



## THE ILLINOIS UNDERGROUND UTILITY FACILITIES DAMAGE PREVENTION ACT

### PUBLIC ACT 096-0714 (SYNOPSIS OF SENATE BILL 1357)

The amendments to the Illinois Underground Utility Facilities Damage Prevention Act, 220 ILCS 50, include language consistent with the not-for-profit organization's business practices for 35 years.

***JULIE's Damage Prevention Managers are available to discuss and provide safety and education presentations to excavators regarding the one-call process and state law at no cost. For contact information and a link to the Act, please visit [www.illinois1call.com](http://www.illinois1call.com).***

The following is a brief description of the additions and changes effective January 1, 2010:

#### **AMENDMENT**

- The amendment removes all references to "CATS facilities."

#### **TITLE**

##### **Section 1**

- For purposes of participating in the State of Illinois Joint Purchasing Program, adds language to indicate JULIE, Inc. shall be considered as created by this Act. (Sec. 1, change)

#### **DEFINITIONS**

##### **Sections 2.1, 2.1.3, 2.1.4, 2.1.5, 2.1.6, 2.1.9, 2.1.10, 2.2, 2.6**

- Redefines "person" to clarify who can excavate on a locate request. Removes "personal representative" from, and adds "employee or agent" to the definition of "person." (Sec. 2.1, change)
- Defines "No show request" in the Act. Currently, the only definition of a "No show request" is included in the excavator handbook. (Sec. 2.1.3, new)
- Defines "Incomplete request" in the Act. Currently, the only definition of an "Incomplete request" is included in the excavator handbook. (Sec. 2.1.4, new)
- Defines "Re-mark request" in the Act. Currently, the only definition of a "Re-mark request" is included in the excavator handbook. (Sec. 2.1.5, new)
- Defines "Residential property owner" in the Act. The residential property owner penalty exemption applies to any person who owns or leases property where such property is their residence or dwelling. A renter or landlord would qualify, provided the landlord lives at the residential property. The penalty exemption likely would not apply to a larger multi-unit complex that is commercial in nature. (Sec. 2.1.6, new)

- Defines “JULIE Excavator Handbook” in the Act. This is a handbook periodically updated and published by JULIE, Inc. (Sec. 2.1.9, new)
- Defines “Internal electric grid of a wind turbine generation farm.” (Sec. 2.1.10, new)
- Clarifies definition of “Underground utility facilities” and adds language to explain the types of entities that install facilities beneath of the surface of the ground. (Sec. 2.2, change)
- Clarifies definition of “Emergency locate request” to include action before the expiration of 48 hours. (Sec. 2.6, change)

## **REQUIRED ACTIVITIES**

### **Section 4**

- Clarifies required activities for every person who engages in non-emergency excavation or demolition. Most language moved from Section 11(i) of the current Act. Language also includes remark. (Sec. 4, change)

## **EMERGENCY EXCAVATION OR DEMOLITION**

### **Section 6**

- Modifies the Act to more clearly indicate the types of communication required by the owner or operator of an underground utility facility in response to an emergency locate request. (Sec. 6, change)

## **DAMAGE OR DISLOCATION**

### **Section 7**

- Modifies language to include the necessary steps for excavators to take in the event of a damage to or dislocation of any underground utility facilities. (Sec. 7, change)

## **RECORD OF NOTICE; MARKING OF FACILITIES**

### **Section 10**

- Modifies language to allow a facility owner to respond in 48 hours or the requested date and time indicated on the notice, whichever is later. (Sec. 10, change)

## **PENALTIES; LIABILITY; FUND**

### **Section 11**

- Clarifies penalty process and clearly distinguishes between the separate roles of the operator/owner and the person engaged in excavating. (Sec. 11, change)

## **EFFECTIVE DATE**

### **Section 99**

- This Act takes effect January 1, 2010.

*With more than 1,760 members, JULIE, Inc. (Joint Utility Locating Information for Excavators), also known as the “Illinois One-Call System,” is a not-for-profit organization that provides professional and non-professional (i.e. homeowners) excavators with a free service to contact for the locating and marking of underground utility facilities (by the owners and operators of those facilities). Excavators can process a locate request at any time by calling 811 or 800-892-0123 or by going online at [www.illinois1call.com](http://www.illinois1call.com) (click E-Request for this new option).*

***Call or Click Before You Dig!***